

## REMARKS

### I Disposition of Claims

Claims 1-22 are currently pending. Applicant wishes to thank the Examiner for indicating that Claims 1, 3, 10, 12, and 15-22 are allowable, and that Claims 13 and 14 would be allowable if written in independent form. No Claims are currently amended.

### II Novelty

The Examiner has rejected Claims 2, 4-6, 8, 9 and 11 under 35 USC 102(e) as being anticipated by Hatakeyama (US 6,869,744). In order to anticipate a claim, the reference must teach every element of the claim. The Examiner states that in one of the working examples (see Table 1), Hatakeyama teaches a chemically amplified positive resist composition containing Polymer 5 (10pbw), Polymer 11 (90pbw), a photoacid generator PAG 1, and a basic compound, and that the composition containing these components anticipates the chemical amplification type positive photoresist composition of claim 2. However, claim 2 of the present invention has a further limitation not disclosed in the Hatakeyama reference. In particular, claim 2 recites that the content of an acid component is 10 ppm or less. This limitation is not taught by Hatakeyama.

Therefore, claim 2 of the present application is novel over Hatakeyama. Thus, claims 4-9 and 11 which depend on claim 2 are also novel over Hatakeyama.

### III. Non-obviousness

The Examiner has rejected Claim 7 under 35 USC 103(a) as being obvious over Hatakeyama in view of Takeda (US 2001/0035394). Takeda teaches the use of gamma-butyrolactone as a solvent. Takeda, like Hatakeyama, does not teach the limitation "the content of an acid component is 10 ppm or less". Thus, there is no motivation for one skilled in the art to modify the teachings of Hatakeyama to include the acid component at 10 ppm or less.

Moreover, the limitation of acid component content to 10ppm or less exhibits a remarkable effect, as shown in Table 1. Examples 1 to 7 have a concentration of the acid component of 0.3 to 0.8 ppm and exhibit the storage stability as a resist solution in a bottle of A, whereas Comparative Examples 1, and 3 to 8 have a concentration of acid component of 13.9 to 49.5 ppm and exhibit storage stability as a resist solution in a bottle of B. Although Comparative Example 2 has a concentration of acid component of 4.2 ppm, the storage stability as a resist

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solution in a bottle thereof is B. This is due to the fact that the component (A) (novolak resin 1) and a cyclohexane dimethanol divinyl ether are not preliminarily reacted.

Therefore, none of the rejected claims, including Claim 7, are obvious in view of the combined teaching of Hatakeyama and Takeda.

### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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